REMARKS

Claims 27-52 are pending and under current examination. Applicants amended claims 27, 34, 35, 43, 44, and 50 solely to improve clarity, and did not introduce new matter.

Regarding the Final Office Action

Applicants respectfully traverse the rejections made in the Final Office Action, wherein the Examiner:

> (1) rejected claims 27-29, 31-37, 39-46, and 49-50 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2003/0125046 A1 ("Riley") in view of U.S. Patent Application Pub. No. 2002/0101912 A1 ("Phelts").
>
> (2) rejected claims 30, 38, 47, and 51 under 35 U.S.C. § 103(a) as being unpatentable over Riley and in view of Phelts and in further view of U.S. Patent No. 6,055,477 ("McBurney");
>
> (3) rejected claim 48 under 35 U.S.C. § 103(a) as being unpatentable over Riley and in view of Phelts, and further in view of U.S. Patent No. 6,081,230 ("Hoshino"); and
>
> (4) rejected claim 52 under 35 U.S.C. § 103(a) as being unpatentable over Riley and in view of Phelts, McBurney, and further in view of Hoshino.

Regarding the 35 U.S.C. § 103(a) Rejections of the Claims

Applicants request reconsideration and withdrawal of the rejections of claims 27-52 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Riley, Phelts, McBurney, and Hoshino. The Final Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. *See* M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007).

In particular, the Final Office Action has not properly determined the scope and content of the prior art. Specifically, Riley, Phelts, McBurney, and Hoshino, whether taken alone or in any combination, do not teach or suggest what the Final Office Action attributes to them. In addition, the Final Office Action has not properly ascertained the differences between the claimed invention and the prior art, at least because the Final Office Action has not interpreted the prior art and considered *both* the invention *and* the prior art *as a whole*. *See* M.P.E.P. § 2141(II)(B).

For example, the cited references, whether taken alone or in any combination, do not teach or suggest the features recited in independent claim 27. In particular, Riley does not teach or suggest at least the claimed "method for determining at least one location coordinate of a mobile terminal," including, among other things, "providing in said statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement errors having non-zero means," as recited in amended claim 27 (emphasis added).

Regarding Riley, the Final Office Action contends that

> Riley discusses using statistical processing to determine the most appropriate Forward Link Calibration (FLC) value to correct position fix errors of a mobile terminal. Thus Riley shows the limitation [of] 'providing in said statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement errors'.

Final Office Action, p. 2, *Response to Arguments*.

The Final Office Action's characterization of Riley is incorrect. Riley does not teach or suggest that the FLC value is a "state" provided to a state-based statistical filtering, such as the

Kalman filter disclosed in ¶ [0015] of Riley. Moreover, Riley does not teach or suggest that the FLC value is representative of non-zero mean measurement errors. Instead, Riley discloses that the FLC value is calculated from the equations disclosed in ¶¶ [0044]-[0050]. Therefore, the Final Office Action misinterpreted Riley, which does not teach or suggest "providing in said statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement errors having non-zero mean," as recited in amended claim 27 (emphasis added).

The Final Office Action then relies on Phelts to allegedly cure the deficiencies of Riley. The Final Office Action alleges that Phelts teaches "[multipath tracking] errors which are not zero mean." Final Office Action, p. 3. As disclosed in ¶ [0066] and Fig. 9 of Phelts, the multipath tracking errors are calculated based on an ideal distance and an actual distance. The multipath tracking errors are then used in step 140 of Fig. 10 "to mitigate the effects of multipath on code tracking of the line of sight signal by the DLL," a "simple implementation of [which] is to subtract the multipath tracking error[s] from the results of the DLL." Phelts, ¶¶ [0066]-[0067]. Although Phelts also teaches filters in ¶¶ [0075] and [0079], and Fig. 13, Phelts does not teach or suggest providing a further state representative of the multipath tracking errors having non zero mean in a state-based filtering. Therefore, even assuming that Phelts does teach "errors which are not zero mean" (a notion to which Applicants do not necessarily concede), Phelts still does not cure the deficiencies of Riley.

Moreover, McBurney and Hoshino each fail to teach or suggest, among other things, "providing in said statistical filtering at least one further state in addition to said at least one location coordinate, said at least one further state being representative of said measurement

errors having non-zero mean," as recited in amended claim 27 (emphases added), and the Final Office Action does not allege otherwise. Therefore, McBurney and Hoshino do not cure the deficiencies of Riley and Phelts.

For the above reasons, Riley, Phelts, McBurney, and Hoshino, whether taken alone or in any combination, do not teach or suggest each and every feature of independent claim 27. Accordingly, independent claim 27 is nonobvious and should be allowable over the cited references. Although of difference scope, independent claims 34, 35, 43, 44, and 50 recite features similar to those of claim 27. Therefore, independent claims 34, 35, 43, 44, and 50 are nonobvious and should be allowable over the cited references for at least the same reasons discussed above in connection with claim 27. In addition, dependent claims 28-33, 36-42, 45-49, 51, and 52 should be allowable at least by virtue of their respective dependence from base claim 27, 34, 35, 43, 44, or 50. Applicants therefore respectfully request withdrawal of the 35 U.S.C. § 103(a) rejections of claims 27-52.

Conclusion:

Pending claims are not rendered obvious in view of the cited references. Applicants respectfully request reconsideration of this application and the timely allowance of pending claims 27-52.

The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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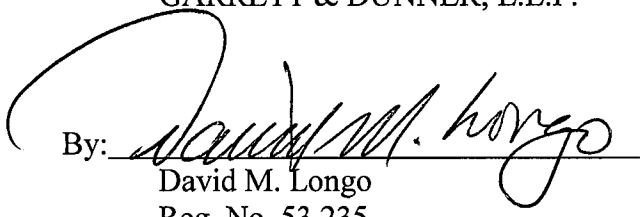
By: 
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